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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,034	03/11/2004	Takashi Tadaki	8008-1051	4656
466	7590	08/14/2008	EXAMINER	
YOUNG & THOMPSON			NGUYEN, LUONG TRUNG	
209 Madison Street				
Suite 500			ART UNIT	PAPER NUMBER
ALEXANDRIA, VA 22314			2622	
			MAIL DATE	DELIVERY MODE
			08/14/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/797,034	TADAKI, TAKASHI	
	<b>Examiner</b>	<b>Art Unit</b>	
	LUONG T. NGUYEN	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 07 March 2008.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-18 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,2,4,5 and 7-9 is/are rejected.  
 7) Claim(s) 3,6,10-18 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____ .

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments, see Amendment, filed on 3/7/2008, with respect to the rejections of claims 7-9 under 35 U.S.C 102 (e) as being anticipated by Sakamoto et al. (US 2003/0137597) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Ojima (US 7,167,202).

2. Applicant's arguments filed on 3/07/2008, with respect to the rejection(s) of claims 1-4 under 35 U.S.C 102 (e) as being anticipated by Konishi (US 7,164,446) have been fully considered but they are not persuasive.

In re page 11, Applicant argues that Konishi does not teach varying the illuminance intensity output from the light module in accordance with a determined distance from the camera module to an object.

In response, the Examiner considers that Konishi does disclose this feature. Konishi discloses that when the subject is positioned within a distance at which a predetermined amount of reflected light can be obtained from the subject (hereinafter referred to as an "irradiation distance (or illuminating or lighting distance)" by the strobe light irradiated from the strobe 26, the time period during which the switch 30 is turned on is adjusted such that the predetermined amount of reflected light is obtained. Accordingly, the strobe light irradiated from the strobe 26 is adjusted. As the distance to the subject increases, the time period during which the switch 30 is

turned on gradually increases. When the subject is positioned within the irradiation distance by such light adjustment, a subject image having approximately constant brightness can be obtained by imaging. The amount of the strobe light irradiated from the strobe 26 is indicated as guide number Gn and is calculated by equation :  $Gn = F \times d$  , where F denotes an f=stop value, d denotes an irradiation distance (column 6, lines 11-33). This equation indicates that the amount of the strobe light irradiated from the strobe 26 varies in accordance with the distance from the camera module to an object.

### ***Claim Objections***

3. Claims 7-10, 13, 16 are objected to because of the following informalities:

Claim 7 (line 2), “storing embodying a program” should be changed to --storing a program--.

Claims 8-10, 13, 16 are objected as being dependent on claim 7.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-2, 4-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Konishi (US 7,164,446).

Regarding claim 1, Konishi discloses a portable terminal device comprising:  
a camera module (CCD 20, figure 1, column 4, lines 8-55);  
a light module as an illumination function in shooting an image by the camera module (strobe 26, figure 1, column 5, lines 35-40);  
an image control processing section for sending zoom control information of the camera module and carrying out image processing (CPU 10 sends control instruction to control zoom lens 22a, figure 1, column 4, lines 10-20);  
an illuminance variable section for varying illuminance intensity output from the light module in accordance with a determined distance from the camera module to an object (strobe control circuit 25, figure 1; the amount of the strobe light irradiated from the strobe is indicated as guide number Gn and is determined in accordance with a distance d from the camera to the object by equation  $Gn = F \times d$ , where F denotes an f-stop value, column 5, line 5 - column 6, line 67).

Regarding claim 2, Konishi discloses wherein the determined distance is based on a zoom ratio of the camera module (the distance of an object is based on the position of zoom lens 22, figure 1, column 4, lines 15-20).

Regarding claims 4-5, claims 4-5 are method of apparatus claims 1-2, respectively; therefore, see Examiner's comments regarding claims 1-2.

6. Claims 1-2, 4-5, 7-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Ojima (US 7,167,202).

Regarding claims 1, 4, Ojima discloses a portable terminal device comprising:

- a camera module (CCD 103, figure 1, column 2, lines 24-40);
- a light module as an illumination function in shooting an image by the camera module (stroboscope 127, figure 1, column 2, lines 20-40);
- an image control processing section for sending zoom control information of the camera module and carrying out image processing (CPU 121 sends control instruction to control zoom lens 101a, figure 1, column 2, lines 40-59);
- an illuminance variable section for varying illuminance intensity output from the light module in accordance with a determined distance from the camera module to an object (the stroboscope 127 emits light of an intensity determined based on a distance measured by the distance measuring device 126, figures 1, 4, column 3, lines 60-67).

Regarding claim 7, Ojima discloses a computer-readable medium storing a program of instructions executable by the computer to control the computer to function for varying light illuminance intensity output from a portable terminal device, the program (the control program stored in a ROM, figures 1, 4, column 4, lines 9-50) making the computer carry out processing which varies illuminance intensity output from a camera light module in accordance with a determined distance from the portable terminal device to an object to be captured (the

stroboscope 127 emits light of an intensity determined based on a distance measured by the distance measuring device 126, figures 1, 4, column 3, lines 60-67).

Regarding claim 8, Ojima discloses wherein the program causes the computer to i) determine the distance between the portable terminal device and the object (the distance measuring device 126 measures a distance to a subject, column 3, lines 60-64); and ii) send the determined distance as distance information to an illuminance variable section in order that the illuminance intensity output from the camera light module is varied in accordance with the thus determined distance (column 3, lines 60-67).

Regarding claims 2, 5, 9, Ojima discloses wherein the determined distance is based on a zoom ration of the portable terminal device (the distance of an object is based on the position of zoom lens 101a, figure 1, column 1, lines 20-23, column 2, lines 40-54).

***Allowable Subject Matter***

7. Claims 3, 6, 10-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T. NGUYEN whose telephone number is (571) 272-7315. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DAVID L. OMETZ can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LN  
08/12/08

/LUONG T NGUYEN/  
Examiner, Art Unit 2622